



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

April 19, 2013

Ms. Donna L. Johnson
Counsel for the City of Freeport
Olson & Olson, L.L.P.
2727 Allen Parkway, Suite 600
Houston, Texas 77019-2133

OR2013-06425

Dear Ms. Johnson:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 484831 (City Reference No. COF13-004).

The City of Freeport (the "city"), which you represent, received a request for the city's credit card reports for two named individuals for a specified period of time, the city council reports on pending lawsuits for a specified time period, and the residential address of a named city employee. You state the city has released some of the requested information to the requestor. We understand the city will withhold the requested residential address of the named city employee, who you state is a licensed peace officer, under section 552.117 of the Government Code pursuant to Open Records Decision No. 670 (2001).¹ You claim the submitted information is excepted from disclosure under section 552.136 of the Government Code and protected by copyright law. Additionally, you state the city has notified a third party of the request. *See* Gov't Code § 552.304 (interested third party may submit comments stating why information should or should not be released). We have considered your arguments and reviewed the submitted information.

Section 552.136 of the Government Code states, "Notwithstanding any other provision of this chapter, a credit card, debit card, charge card, or access device number that is collected,

¹ Open Records Decision No. 670 is a previous determination authorizing all governmental bodies to withhold the current and former home addresses and telephone numbers, personal cellular telephone numbers, social security numbers, and family member information of peace officers under section 552.117(a)(2) of the Government Code without the necessity of requesting an attorney general decision.

assembled, or maintained by or for a governmental body is confidential.” *Id.* § 552.136(b); *see also id.* § 552.136(a) (defining “access device”). This office has interpreted section 552.136 to include credit card expiration dates. You seek to withhold credit card numbers and expiration dates under section 552.136. Upon review, we conclude the city must withhold the credit card numbers we have marked under section 552.136. However, we find the remaining information does not include expiration dates. As such, the city may not withhold any of the remaining information on this basis.

You contend the remaining information may be protected by copyright. A custodian of public records must comply with the copyright law and is not required to furnish copies of records that are copyrighted. Open Records Decision No. 180 at 3 (1977). A governmental body must allow inspection of copyrighted materials unless an exception applies to the information. *Id.*; *see* Open Records Decision No. 109 (1975). If a member of the public wishes to make copies of copyrighted materials, the person must do so unassisted by the governmental body. In making copies, the member of the public assumes the duty of compliance with the copyright law and the risk of a copyright infringement suit.

In summary, the city must withhold the credit card numbers we have marked under section 552.136 of the Government Code. The city must release the remaining information; however, any information protected by copyright may only be released in accordance with copyright law.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General’s Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,



Lindsay E. Hale
Assistant Attorney General
Open Records Division

LEH/tch

Ref: ID# 484831

Enc. Submitted documents

c: Requestor
(w/o enclosures)